REMARKS

In view of the above amendments and remarks to follow, reconsideration of this application is respectfully requested.

All of the withdrawn claims have been cancelled herein without prejudice. The applicant reserves the right to present the withdrawn claims in one or more divisional patent applications. Various other claims have been amended or cancelled as noted below.

Claim 89 was objected to under 37 CFR 1.75(c) as being of improper dependent form for failing to limit the subject matter of a previous claim. Claim 89 has been amended to change its dependency from claim 84 to claim 85. It is submitted that claim 89 as amended is a proper dependent claim, and it is requested that the objection to claim 89 be withdrawn.

Claims 90-94 were rejected under 35 U.S.C. 112, second paragraph. Claim 90 has been amended to change "a first database" to "a first image database" thereby providing antecedent basis for subsequent recitation in the claims of "the first image database." It is therefore requested that the rejection of claims 90 and 93-94 (wherein claims 91 and 92 have been cancelled) under 35 U.S.C. 112, second paragraph, be withdrawn.

Claims 228 and 231-235 were rejected under 35 U.S.C. 112, second paragraph. Claim 228 has been amended to change its dependency from claim 216 to claim 227, and thus proper antecedent support now is provided for the terms "the first webpage" and "the set of first images" in claim 228, and it is requested that the rejected of claims 228 and 231-235 under 35 U.S.C. 112, second paragraph, be withdrawn.

Claims 65-99, 182-247, 249, 250 and 252-338 were rejected under 35 U.S.C. 102(e) as being anticipated by Berger et al. ("Berger") (US Patent No. 6,414,693). As discussed below, it is submitted that Berger is not valid prior art to the present application.

Berger issued on July 2, 2002 from an application filed October 12, 1999. The present application was filed on January 22, 2002, and thus Berger is not prior art under either 35 U.S.C. 102(a) or 102(b). Moreover, the present application is a continuation of U.S. Application No. 09/479,284, filed January 6, 2000 (now U.S. Patent 6,344,853) ("parent application"). Hence, there is, at the latest, a constructive reduction of practice of the claimed invention on January 6, 2000, which is slightly less than 3 months from the filing date of Berger. Accompanying this amendment is a declaration under 37 C.F.R. §1.131, signed by the undersigned attorney, with attachments, that provides evidence in support of the assertion herein that the claimed invention was actually reduced to practice prior to October 12, 1999 or, in the alternative, that the claimed invention was conceived of prior to October 12, 1999 and with due diligence was developed until the filing on January 6, 2000 of the applicant's parent application. Hence, Berger is not prior art to the present application under 35 U.S.C. 102(e). Accordingly, it is requested that the rejection of the claims under 35 U.S.C. 102(e) in view of Berger be withdrawn.

Claims 65-99, 182-247, 249, 250 and 252-338 were rejected under 35 U.S.C. 102(e) as being anticipated by Bornstein (US Patent No. 6,144,388).

The following independent claims have been amended to include the features that the "first image" is an image of a product, and the "second image" is a decorative image that is either a logo image or a text image: Claims 65, 73, 80, 85, 90, 95, 182, 196, 203, 210, 217,

236, 240, 259, 262, 328, 331 and 334. It is noted that in various sets of claims (e.g., claims 236 on), the "first image" is the decorative image that is either a logo image or a text image, and the "second image" is an image of a product. Moreover, it is noted that independent claims 282, 285, 286, 290, 294, 300, 304, 308, 312, 316, 321, 324, and 335 have not been amended since they already recite some form of the above limitations. Various dependent claims that recite the features added to the independent claims have been cancelled include claims 66, 67, 74, 75, 81, 82 and others.

In the Office Action, in paragraph 3.3 on page 7, the Examiner asserted that Bornstein discloses "that the second image is a decorative image including any one of a group of images including logo image and a text image" and referred to Col. 14, line 39 "text objects" in Bornstein for support thereof. Contrary to the Examiner's assertion Bornstein does not disclose that one of the images can be a logo image or text image. Instead, Bornstein describes the superimposing of an article of clothing, such as eyeglasses, t-shirts, etc., can be superimposed on an image of a person. As for the discussion in Bornstein in col. 14, lines 31-52, this section pertains to the operation of storage and communication of data within a general purpose computer system (see col. 14, lines 15-30). More particularly, col. 14, line 39, referenced by the Examiner, pertains to the type of instructions and data that can be stored within the computer system's memory.

Col. 14, lines 35-43 of Bornstein reads as follows:

> "As is well known in the art, primary storage 804 can be used as a general storage area and as scratch-pad memory, and can also be used to store input data and processed data. It can also store programming instructions and data, in the form of data objects, text objects, data constructs, databases, message stores, etc., in addition to other data and instructions

> for processes operating on CPU 802, and is used typically used for fast transfer of data and instructions in a bi-directional manner over the memory bus 808."

Clearly, this section of Bornstein has nothing to do with the type of image that is displayed or otherwise superimposed on another image.

Hence, Bornstein does not disclose, nor does it suggest, any of the systems, apparatuses and methods recited in the claims of the present application. Accordingly, it is requested that the rejection of the claims under 35 U.S.C. 102(e) as being anticipated by Bornstein be withdrawn.

Moreover, various dependent claims recite features that also are not disclosed in Bornstein. For example, Bornstein does not disclose normalizing dimensions of images, such as recited in claims 188, 189, 257, 258 and 268. In the Office Action, the Examiner refers to col. 19, lines 46-58 of Bornstein for allegedly disclosing this feature. But this section in Bornstein doesn't disclose or suggest that each of the images be normalized. Rather, this section in Bornstein teaches that one image (e.g., the clothing image) be fitted or appropriately sized so that it "fits" onto the image of the person. In the present invention, normalizing pertains to resizing the dimensions of all of the "second" (e.g. logo) images to a similar dimension, as the term "normalized" is defined and understood in the art.

In addition, claims 241 and 242 recite the feature relating to identifying each logo alphabetically by the first letter of the name of the logo. Since Bornstein does not disclose images in the form of a logo or text, it clearly doesn't disclose or suggest this feature.

Still further, claims 255, 256 and 267 recite the placement hooks feature of the present invention, wherein the image of the product has a number of "placement hooks"

corresponding to locations at which the logo or text image may be positioned. While Bornstein allows an image of clothing to be moved relative to the image of a person, no such placement hooks are described.

In view of the foregoing amendments and remarks, reconsideration and allowance of this application are respectfully requested.

Respectfully submitted,

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